

STATE OF CALIFORNIA

DEPARTMENT OF INSURANCE

**45 Fremont Street, 24th Floor
San Francisco, California 94105**

RH02024219

September 21, 2006

NOTICE OF AVAILABILITY OF REVISED TEXT

On April 29, 2005, the Insurance Commissioner issued a Notice of Proposed Action, proposing the adoption of regulations to establish filing requirements for applications to amend an insurer's variable authority and to clarify which filings qualify for the treatment specified by Insurance Code section 10506(h). In addition, the regulations will establish criteria for determining if a variable product involves a hazardous operation. The proposed regulations add to Article 11.3 of Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations, Sections 2534.40, 2534.41, 2534.42, 2534.43, 2534.44, 2534.45 and 2534.46.

PUBLIC COMMENT INVITED:

The Commissioner plans to make changes to proposed Sections 2534.41, 2534.42, 2534.43, 2534.44, 2534.45 and 2534.46, and now solicits written comments on those changes only. As a result of these changes, the former proposed Section 2534.41 has been deleted in its entirety and there no longer is a proposed Section 2534.47. The Commissioner believes the changes made are sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. Accordingly, pursuant to the provisions of California Government Code Section 11346.8(c), the Commissioner is soliciting written public comment on these changes.

A copy of the proposed sections to be revised, with the proposed changes clearly indicated, will be available for public comment and inspection for at least 15 days before the proposed action is adopted. The public comment period extends from September 22, 2006 through October 6, 2006. Deletions are indicated in double strikethrough; additions are double underlined. This document may be inspected between the hours of 9:00 a.m. and 4:00 p.m., by arrangement with the contact person listed below, at the Department's offices at 45 Fremont Street, 24th Floor, San Francisco, California 94105.

CONTACT PERSON:

All written comments submitted in response to this Notice and all general or substantive questions regarding this Notice should be directed to either of the contact persons as follows:

Gene Woo, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4496
Email: woog@insurance.ca.gov

SUBMISSION OF WRITTEN COMMENTS:

All written comments on the changes to the proposed regulations must be received by the contact person, at his address as listed above, no later than **5:00 p.m. on October 6, 2006**. Comments submitted by e-mail and facsimile will be accepted and considered.

AUTOMATIC MAILING:

A copy of this notice, together with the text of the proposed regulations to be revised, will automatically be sent to all persons who testified or submitted written comments at the public hearing, all persons whose comments were received during the public comment period, all persons who requested copies of information regarding the regulations, and all persons who requested notification of the availability of such changes.

JOHN GARAMENDI
Insurance Commissioner

By: _____/s/

Gene S. Woo
Senior Staff Counsel